

### **REMARKS CONCERNING THE AMENDMENTS**

The above amendments to the claims were made to more clearly define the claimed technology and to respond to issues raised in the Office Action. The Amendment to claim 22 finds antecedent basis in the original specification, in general, and in original claim 1 and Figure 2.

### **SUMMARY OF THE OFFICE ACTION**

The Office Action objected to the form of submission of materials in the IDS statement.

Claims 1 and 31 have been rejected under 35 USC 112, second paragraph as indefinite.

Claims 1-19, 22-24, 32 and 33 have been rejected under 35 USC 102(a) as anticipated by Roblejo (U.S. Patent No. 5,989,122).

Claims 20, 21 and 25-31 have been rejected under 35 USC 103(a) as obvious over Roblejo (U.S. Patent No. 5,989,122) in further view of Kelley (U.S. Patent No. 5,431,399).

### Rejections Under 35 USC 112, Second Paragraph

Claim 1 was rejected on the basis of language that the Examiner believes is inappropriate for an article claim. That language has been amended as proposed by the Examiner.

Claim 31 was identified as a duplication of claim 30. The dependency of claim 31 has been changed so that the claim is no longer identical to claim 30.

These rejections have therefore been overcome.

### Rejection Under 35 USC 102(a)

Claims 1-19, 22-24, 32 and 33 have been rejected under 35 USC 102(a) as anticipated by Roblejo. The Office Action has pointed out the location of terms in Roblejo which he believes anticipates the language in our claims. There is at least one obvious error in the rejection. It is asserted that Roblejo meets the limitation that the sensor is located between the card holding means and the card collecting area. The sensor or card reading element of Roblejo is located within the card holding means, and in fact in the most rearward portion of the card holding element (see Figure 1, element 14). A significant difference in this placement is that Roblejo must read stationary cards individually, while a placement between the holding and collection areas can (or must) individually read moving cards or stationary cards. The rejection of claim 1 and all claims dependent therefrom (Claims 2-24) under 35 USC 102(a) is therefore clearly in error. Claims 32 and 33 also contain this identical limitation and these claims likewise are not anticipated by the disclosure of Roblejo.

Claim 22 has different language that distinguishes from Roblejo, but for similar reasons. That claim recites that the cards are read “after” removal from the card holder but “before” it is moved into the card collecting area. Roblejo reads cards in the card holding area and cannot anticipate this claim.

It is to be pointed out in advance that providing a capability and function of reading cards in a position where they are moving or are paused individually after movement from the card holder at a position between the card holding area and the card collecting area is a significant distinction from reading stationary cards. The significance of this difference means that no Official Notice of obviousness may be taken of that difference.

### Rejection under 35 USC 103(a)

Claims 20, 21 and 25-31 have been rejected under 35 USC 103(a) as obvious over Roblejo in view of Kelley, US Patent No. 5,431,399. The addition of Kelley to the rejection was done primarily for the purported teachings of Kelley of a display. Below are the only types of disclosure by Kelley of a display (the first one being repeated essentially verbatim in two different locations in the text):

“Several switches 7 are accessible and can be used to initiate card dealing and to enter information into the system as to contract and result. There is also a small visual display 6 that can be used for indicating facts about the hand (dealer, vulnerability, board number) as well as for validating information that the user may enter with the switches 7.”

“Should the system be unable to determine rank or suit within a predetermined level of confidence, an error code will be displayed on the system display and operation halted.”

“If it was desired to capture the actual bidding sequence, the players could use special program cards (for example, in place of verbally announcing a bid like "two spades", the player would select a program card with that designation and display it to the other players.”

The importance of the type of information on the display of Kelley is that, except for the error code with respect to card reading, all information displayed is relating to elements of bridge that are in a sequential order (e.g., Board number, vulnerability, dealer position) which does not reflect shuffling status. In fact, the device of Kelley is marginally a shuffler, in spite of the title, as it must use a program card to provide a “random” hand. This means that randomization must be controlled by a program card inserted for each deal, rather than by a random number generator.

Applicants assume the application is now in proper order and in condition for examination. Please direct any inquiries to the undersigned attorney at (952) 832-9090.

Respectfully submitted,

RODNEY G. JOHNSON

By His Representatives,

MARK A. LITMAN & ASSOCIATES, P.A.

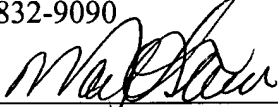
York Business Center, Suite 205

3209 West 76<sup>th</sup> Street

Edina, Minnesota 55435

(952) 832-9090

Date: 22 July 2005

By:   
Mark A. Litman Reg. No. 26,390

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop: AMENDMENT, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 22 JULY 2005.

Mark A. Litman  
Name

  
Signature